

# MEMORANDUM

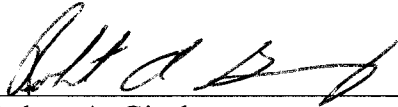
Agenda Item No. 7(D)

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<b>TO:</b>	Honorable Chairman Joe A. Martinez and Members, Board of County Commissioners	(Second Reading 04-05-05) <b>DATE:</b> January 20, 2005
<b>FROM:</b>	Robert A. Ginsburg County Attorney	<b>SUBJECT:</b> Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; employees & departmental personnel are prohibited from performing contract-related duties

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The accompanying ordinance was prepared and placed on the agenda at the request of Dr. Barbara Carey-Shuler, Commissioner Dennis C. Moss and Commissioner Rebeca Sosa.

  
Robert A. Ginsburg  
County Attorney

RAG/jls

# Memorandum



**Date:** April 5, 2005

**To:** Honorable Chairman Joe A. Martinez  
and Members Board of County Commissioners

**From:** George M. Fargnoli  
County Manager

A handwritten signature in black ink, appearing to read "G. Fargnoli", written over the printed name of the County Manager.

**Subject:** Ordinance relating to Conflict of Interest and Code of Ethics Ordinance; amending  
Section 2-11.1 of the Code

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This ordinance relating to the Conflict of Interest and Code of Ethics ordinance amending Section 2-11.1 of the Code of Miami-Dade County will have no fiscal impact to Miami-Dade County.

Fiscal02605




# MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez  
and Members, Board of County Commissioners

DATE: April 5, 2005

FROM:   
Robert A. Ginsburg  
County Attorney

SUBJECT: Agenda Item No. 7(D)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved \_\_\_\_\_ Mayor

Agenda Item No. 7(D)

Veto \_\_\_\_\_

04-05-05

Override \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO CONFLICT OF INTEREST AND CODE OF ETHICS ORDINANCE; AMENDING SECTION 2-11.1 OF CODE OF MIAMI-DADE COUNTY, FLORIDA, TO PROVIDE THAT EMPLOYEES AND DEPARTMENTAL PERSONNEL ARE PROHIBITED FROM PERFORMING CONTRACT-RELATED DUTIES UNDER CERTAIN CIRCUMSTANCES FOR SPECIFIED PERIOD OF TIME; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 2-11.1 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows:<sup>1</sup>

Section 2-11.1. Conflict of Interest and Code of Ethics Ordinance.

\* \* \*

>>(x) Prohibition on county employees and departmental personnel performing contract-related duties. No person included in subsections (b)(5)(departmental personnel) and (b)(6) (employees), who was previously employed by or held a controlling financial interest in a for-profit firm, partnership or other business entity (hereinafter "business entity") shall, for a period of two years following termination of his or her prior relationship with the business entity, perform any county contract-related duties regarding the business entity, or successor in interest, where the business entity is a county bidder, proposer, service provider, contractor or vendor. As used in this subsection (x), "contract-related duties" include, but are not limited to: service as a member of a county

<sup>1</sup>Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

certification, evaluation, selection, technical review or similar committee; approval or recommendation of award of contract; contract enforcement, oversight or administration; amendment, extension or termination of contract; or forbearance regarding any contract. Notwithstanding the foregoing, the provisions of this subsection (x) shall not apply to the County Manager or the Director of Procurement Management.<<

>>(y)<< [[ (x)]] *Powers and jurisdiction of the Ethics Commission.* The Ethics Commission shall be empowered to review, interpret, render advisory opinions and letters of instruction and enforce the Conflict of Interest and Code of Ethics Ordinance. Jurisdiction of the Ethics Commission shall automatically extend to Commissioners, autonomous personnel, quasi-judicial personnel, departmental personnel, employees, advisory personnel, immediate family, lobbyists as defined in subsection (b) and (s) who are required to comply with the Conflict of Interest and Code of Ethics Ordinance; and any other person required to comply with the Conflict of Interest and Code of Ethics Ordinance including, but not limited to, contractors and vendors. In the event that the Ethics Commission does not assume jurisdiction as provided in the preceding sentence, the Ethics Commission may refer the complaint to the State Attorney for appropriate action. Notwithstanding the foregoing, the Ethics Commission shall not have jurisdiction to consider an alleged violation of subsection (c) if the requirements of subsection (c) have been waived for a particular transaction as provided therein.

>>(z)<<[[ (y)]] *Prohibition on participation in settlement negotiations.* Neither the Mayor, a County Commissioner nor a member of their staff shall participate in settlement negotiation of claims or lawsuits, including but not limited to contract scope or compensation adjustments involving the County without prior approval of the Board of County Commissioners.

>>(aa)<<[[ (z)]] *County Attorney's office participation in contract adjustments.* County staff shall request the participation of the County Attorney's Office to provide legal advice regarding scope or compensation adjustments which increase by more than one million dollars (\$1,000,000), the value of a construction contract or a contract involving the purchase of goods or services.

>>(bb)<< [[ (aa)]] *Penalty.*

(1) *Proceeding before Ethics Commission.* A finding by the Ethics Commission that a person has violated this section shall subject said person to an admonition or public reprimand and/or a fine of two hundred and fifty dollars (\$250.00) for the first such violation and five hundred dollars (\$500.00) for each subsequent violation.

(2) *Prosecution by State Attorney in State court.* Every person who is convicted of a violation of this section in State court shall be punished by a fine not to exceed five hundred dollars (\$500.00) or imprisonment in the County jail for not more than thirty (30) days, or by both such fine and imprisonment.

Section 2. If any section, subsection, sentence, cause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word ordinance may be changed to "section", "article" or other appropriate word.

Section 4. This ordinance shall become effective 10 days after the date of enactment unless vetoed by the Mayor, and if vetoed shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:

RA 6

Prepared by:

GKS

Gerald K. Sanchez

Sponsored by Dr. Barbara Carey-Shuler,  
Commissioner Dennis C. Moss and  
Commissioner Rebeca Sosa